S.B. CIVIL WRIT PETITION No. 5206/2005.
(Jagdish Soni Vs. Laxmi Narayan & Anr.)

DATE OF ORDER : 20.11.2007.

HON'BLE DR.JUSTICE VINEET KOTHARI

Mr. MS Purohit, for the petitioner.
None present for the respondents.

1. Heard learned counsel.

2. This writ petition is directed against the order dated 27.07.2005 of the learned Rent Tribunal whereby the Tribunal had decided that on the basis of available material before it as to tendering of rent, the matter could be decided as to whether the ground for eviction under Section 9(a) of the Rajasthan Rent Control Act, 2001 was available to the plaintiff or not. Learned counsel for the petitioner submitted that he had applied to the learned trial Court for summoning the original money order coupon which request was turned down by the trial Court. He submits that the notice informing the Bank Account No. was given by the land lord which is signed by him on 10.4.2003 itself, and therefore, since the defendant -tenant had tendered the rent by way of Money Order on 10.4.2003 itself, the learned trial Court ought to have summoned the original money order coupon.

3. Having perused the impugned order, this Court is of

the opinion that the learned trial Court was justified in holding that on the basis of available material before it, which has been produced by the petitioner in this writ petition as Annexure-1 namely, the M.O. receipt bearing the Seal of the Post Office dated 10.4.2003 and Acknowledgment of the said money order with written message thereon, the learned trial Court could very well arrive at the decision on the relevant question on the basis of material available on record whether ground of eviction under Sec. 9(a) was available to the plaintiff or not.

4. This Court, therefore, finds no ground to interfere with the said order under Article 227 of the Constitution of India. The petition is found to be devoid of merit and hence dismissed.

(Dr.VINEET KOTHARI),J.

Sr.No.20
/gandhi